

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

V.

NO. 3:05-CV-00150 GTE

LARRY THOMAS and ROSIE THOMAS

DEFENDANTS

ORDER

Presently before the Court is Defendants' Motion for Contempt. On October 31, 2007, this Court entered judgment for the Government.

Defendants assert that they were debtors in a Chapter 13 Bankruptcy case. Defendants further assert that in May of 2007, Creditor Barton Ag Credit, without obtaining a release from the automatic stay, proceeded onto the Defendants' land and removed a combine worth approximately \$50,000. Defendants state that they believe the Government is directing the actions of Barton Ag Credit. Defendants further assert that on February 19, 2008, the Government sent Leonard Dean to remove Defendants' equipment, but he was turned away by request to show an order from a court because this case is on appeal. Defendants state that on February 20, 2008, the Devazier Brothers presented a copy of an order from this Court to Officer Lee Johnson of the City of Earle, Arkansas, who then proceeded to take possession of equipment on Defendants' property per the order dated October 31, 2007. Defendants state that their combine was never listed in the bankruptcy as a debt. Defendants request that the Court enter an order awarding damages for the above conduct.

The Government requests that the motion be denied stating that it has no information regarding the actions of Barton Ag Credit, and has no information regarding the actions of Defendants' "Creditors." The Government also states that it is seeking possession of the equipment through a writ of assistance issued by the District clerk. The Government further states that on May 9, 2007, the motion to extend the automatic stay was withdrawn by the Defendants, and there has been no stay in effect since that time.

For good cause shown, the Court denies Defendants' motion.

Accordingly,

IT IS THEREFORE ORDERED that Defendants' Defendants' Motion for Contempt (Docket No. 50) be, and it is hereby, DENIED.

IT IS SO ORDERED this 11th day of March, 2008.

/s/Garnett Thomas Eisele
UNITED STATES DISTRICT JUDGE